

The last chance to stop the clash: A case study on cartoon controversy

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Abstract:

Using cartoon controversy as a precedent, this paper describes the urgency to address the clash between the two cultural fault lines; freedom of expression, and freedom of religion (religious sensitivity). This paper also covers relevant literature on the outset of freedom in the social contract theory. This research applies critical method to understand the clash between freedom of expression and freedom of religious effects of this clash on the Western notes the political and religious effects of this clash on the Western and the Islamic civilization. Lastly, this paper attempts to find the limits to free speech and ways to implement them. In response to this last point, the paper found that laws similar to the prohibition of anti-Semitism should be formulated and implemented. However; it is pointed out that such a law would not protect or promote Islamic values but prevent a deadly clash between the West and Islam.

Key words: Cartoon controversy, freedom of expression, Charlie Hebdo

Introduction:

Cartoons are like stories with extremely powerful and charged images. Such stories, painted with only few deft strokes, are satirical and humorous (Spiegelman, 2006). Cartoon images are a condensed form of metaphors and symbols which create a new framework for understanding a subject (Drummond & Thomas, 2003). These images are compressed with great ideas that can deeply burrow into the minds of human beings and cater new ideologies. A very recent

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example and controversy around the use of cartoons is the 'Cartoon Jihad', especially after the caricatures of Prophet Muhammad (PBUH) published in 2005 in Denmark and in 2015 in France. These caricatures had a huge impact in both the Muslim and the Western world which sparked a huge ongoing debate on the moral and ethical grounds surrounding freedom of speech.

KareBluitgen, an editor of the Danish newspaper JyllandsPosten complained that as he was unable to find any pictures of the Prophet for his children's book, he asked cartoonists to break the cage of this Islamic tenet and draw any visual depictions of the Holy Prophet (Asser, 2006). The newspaper chose to publish an image in which in a police line-up, there were a couple of figures wearing turbans and a witness saying "I don't know which one he is" (Asser, 2006). This visual joke along with some other controversial images like the Prophet stopping Jihadis with a note "Stop Stop! We have run out of virgins" and in another place Prophet carrying a lit bomb on his head instead of a turban, drew a lot of criticism (Spiegelman, 2006). Soon after these publications, a group of Danish Imams approached the Danish court with the hope of getting some justice, however; they were turned back as there was no law for seeking redress (Rynning& Schmidt, 2006). Failing to get any justice, these Imams traveled to Middle East to garner support from the Muslim World. At the same time, threats were received to these cartoonists who were then forced to go in hiding (Kaylor, Subsequently, riots, protests and deaths were the 2012). flabbergasting responses which sparked an International debate on Islam versus freedom of expression.

Some scholars link these incidents to the anti-Semitic images that were once used in Europe in the 1920's and 1930's and hence raise the issue of freedom of religion (Asser, 2006), whereas the other call it freedom of expression. Another example of the clash between freedom of religion/religious sensitivity and freedom of expression occurred in 2015 in France. The Charlie Hebdo, a satirical magazine published demeaning caricatures of the Prophet Muhammad which were interpreted by the Muslims as a form of symbolic insult against Islam but to non-Muslims it was as an act of freedom of expression.

Predominantly, the believers of aniconic faith (those who believe that any images of the sentient living being is forbidden) are not the ideal audiences for cartoons (Spiegelman, 2006). Since Muslims are pro-aniconic believers, they strongly oppose the caricatures of their Prophet. Therefore, any kind of cartoons published under the banner of free speech will only deepen the scars and push the Muslim and the Western world into a clash of civilization. The cartoon war is getting more serious day by day as it is polarizing the West into viewing Muslim as the foreign "other". Such cartoons are also serving as recruitment posters for the holy wars (Spiegelman, 2006). Hence, it is one of the most crucial concerns of the 21st century.

Gregory Batson beautifully surmises the clash between these two rights in the following words:

"As the debate proceeds, both sides become more and more excited... and then suddenly some exasperated speaker will go to the "root" of the matter and declaim some esoteric secret about the totemic ancestors of the other

side, miming one of their cherished myths in a contemptuous dance. Before his pantomime has finished a brawl will have started which may lead to serious injuries and be followed by a long feud of killing by sorcery." (Starret, 2006)

Apart from the boycotts of Danish and French goods and the attacks on the embassies, soon after the publications; Iran announced to hold an international cartoon contest regarding the Jewish Holocaust in Europe. This was perpetuated mainly to test the western tolerance of free speech and a payback to the West (Spiegelman, 2006). Also, Agence France Presse (AFP), a news agency, reported that because one of the university lecturer had shown the caricatures to her university students in Dubai, a mother was adamant to kill the lecturer for showing such insulting images to the class (Cass, 2006). Therefore, if such feelings and situations around them are going unchecked certainly they are going to end up in a vicious circle of bloodshed.

Daunted by the grim nasty Cartoon Wars and the tenet of freedom of expression as a means to hurt religious sensitivity, this paper will boil down the clash between freedom of expression and religion as an essential conflict. Huntington (1993) stated that, "the conflicts of the future will occur along the cultural fault lines separating civilizations". Based on this, I will demonstrate my argument by referring to Huntington's Clash of civilization and theoretical background of freedom of expression. A rigorous analysis is done on the cultural fault lines; in this case the freedom of expression and freedom of religion which is separating the Western and Muslim civilizations. Moreover, this paper focuses on examining how the

laws on freedom of expression are changing the western society and the political and religious rights of the Muslims. Lastly, the paper will scrutinize the methods to tackle this cultural fault line.

Freedom - Social Contract Theory:

The concept of freedom was introduced in the Social Contract theory proposed during the age of Enlightenment (1650's to 1780's mostly in Western Europe). The Social Contract Theory asserts the idea of liberty; the idea that state exists only to serve its people's will and also expresses the idea of justice; the idea that right and not might is the basis of all political system (Mwita, 2011). Under this contract, individuals agree to obey the laws formulated by the state, pay taxes to the state and in return expect the state to protect everyone's rights but failing to do so would result in the violation of the contract and hence, individuals would overthrow the government (Mwita, 2011). Thomas Hobbes, John Locke, Jean Jacques and Rousseau are some of the famous philosophers who contributed to the social contract theory.

According to Hobbes, prior to social contract, man lived in a state of nature; a state where man lived constantly in fear and lived a short, brutish and selfish life (Riley, 1999). Because of this nasty and poor quality of life, individuals naturally desired for security and order. The thirst for self-preservation and self-protection led to the natural transferring of power to the government (Hampton, 1988). Hobbes stressed that the government should have unlimited sovereign power because the state originated in a social contract whereby individuals voluntarily surrendered all their freedom to the government in exchange for their protection.

John Locke on the other hand acknowledged Hobbes ideas but argued that the unlimited sovereignty lies with the people and not with the government as the people elect their government and so have every right to legitimately overthrow it (Mwita, 2011). Also, Locke's idea of State of Nature was bit different than Hobbes, as he believed that state of nature was "reasonably good and enjoyable" (Roussaeu, 1997). So, state of nature was the state of liberty where an individual could freely exercise his own will. But as the property was insecure due to absence of established law, impartial judges and absence of natural powers to execute natural laws, it was imperative to have a social contract. Under this contract, an individual did not simply relinquish all their rights to a single individual but only relinquished the right to preserve and maintain law and order (Riley, 1999). Locke, thus supported the three cardinal rights; right to life, liberty and property which later greatly influenced the Declaration of American Independence, 1776 (Riley, 1999).

Indeed, through the book "The Social Contract", Jean Jacques Rousseau took the concept of Social Contract Theory one step ahead. Rousseau agreed to Locke's ideas of state of nature but stated that the idea of government is based on popular sovereignty as the government is elected by the will of the majority (Riley, 1999). He, therefore, introduces the concept of 'general will' which explains that as majority's view is right as compared to the minorities, blind obedience is given to the will of the majority citizens. So, in his Social Contract theory, every individual is subject

to the general will and not to any other individual (Elahi, n.d.). I believe that the idea of the majority's will to be right over the minorities is still quite prevalent in the liberal societies of both the western and the Islamic civilization. For instance, in western civilization the majority believes in right over good; human rights are more important than one's cultural values, however; in Islamic civilization the notion of good over right is the majority's will. Because of this, the Islamic civilization refuses to tolerate any insult to their cultural beliefs specifically regarding Holy Quran and Holy Prophet. Now whether this intolerance is repression of freedom of speech, is an irrelevant question as according to the social contract theory, the majority's will is considered to be right over minorities. And thus, this concept of majorities will be right over minorities and will push these two civilizations into a clash.

Rousseau also believed that prior to social contract, equality, freedom and happiness were there in the primitive societies. However; with the advent of modern civilizations, these rights were lost. Thus, it was imperative to have a state that could assure and guarantee all these rights. Above all, Rousseau's theory was an inspiration to the American and French revolutionaries as it instigated the idea of nationalism. To sum up, Rousseau's philosophy articulates that "*Man is born free, but is in chains everywhere*" (Rousseau, 1997).

The topic of freedom is one of the most contentious issues of today. Therefore, it is necessary to find the origins of freedom to have a better understanding of the debate between freedom of expression and freedom of religion. A more persuasive analysis of

the clash between these two freedoms will be discussed later.

Clash of Civilization:

In 1993, Samuel P Huntington wrote an article; Clash of Civilization for the Foreign Affairs magazine. In this article, Huntington asserted that world politics will be dominated neither by ideology nor by economic means but purely by cultural differences (Huntington, 1993). The article highlighted the next pattern of global conflicts where nation states and groups of different civilizations would fight along the cultural fault lines (Sato, 1997). According to him, the cultural fault lines are between western and non-western civilizations and also within the non-Western civilizations which would steer the future conflicts. Huntington primarily focuses on eight main civilizations; western Confucian, Islamic, Hindu, Japanese, Latin American, Slavic and African civilizations (Gupta, 1996).

Firstly, civilizational differences are not only real but are the product of centuries (Huntington, 1993). Over the years, these differences have generated the most violent and protracted conflicts. Secondly, due to globalization; interactions between different civilizations have become much easier and hence, increased civilization's consciousness (Waheed et.al. 2012). This additional knowledge of different cultures, their belief systems and values further invigorates the differences and frustration. According to the frustration-aggression theory, frustration can result in aggression which then arouses a negative affect (Berkowitz, 1989). Thirdly, the growth of *modernization and social change around the world are separating people from their local identities* (Huntington,

1993). These gaps are then filled by religious fundamentalist movements. Gilles Kepel, a specialist of Islam and the contemporary Arab world claims that "*la revanche de Dieu*" the revival of religion unites a civilization as it provides a bedrock for identity (Waheed et al., 2012). The Prime Minister of Denmark, Helle Thorning Schmidt, in response to the Copenhagen synagogue attack, stated that it's not a war between West and Islam but a war between freedom and dark ideology (Nytimes.com, 2015). However; only the revival of radical ideology taken completely out of context from Islamic writings and not the Islamic ideology as a whole can be equated to such dark ideologies which then provide an identity for these radical Islamists.

The message that "Clash of Civilization" thesis propagates is that to impose a new culture on a country or its population is extremely difficult (Blair, 2006). Since birth, a child is taught about his own culture, tradition, language, history and religion. Therefore, a child's habits and actions are a product of his own culture. Some liberals believe that an individual cannot change the color of its skin but can change its beliefs. However; Mehdi Hasan a political director at the Huffington Post believes that religious belief for instance Islamic beliefs defines an individual's identity and not the color of its skin (Morse, 2012). Hence, it is invariably difficult to peacefully impose a different culture on a society as civilizational differences are less changeable and less easily compromised (Ahmad & Hunter, 2000). This idea also triggers a debate between the Western and the Asian values. In 1993, the official delegates at the World Conference on Human Rights in Vienna stressed that the cultural differences between Asia and the West cannot be overlooked (Sen, 1998). As the Asian values focus more on good over right than right over good, it is hence derived that the Western notion of human rights cannot be applied universally (Ife, 2007).

The article, "*The West Unique, Not Universal*" delineates a similar view as noted above. It states that the time has come for the west to abandon its illusion of western culture to be universal and accept the presence of its civilization in a world of civilizations (Huntington, 1996). Therefore, western imposition of their culture on other civilizations would result in a cultural backlash. Bernard Lewis, in '*The Roots of Muslim Rage*' also unravels a similar conclusion. Lewis (1990) explains the reasons for the rising rebellion from the Muslim civilizations against the western paramountcy. Firstly, he remarks that the successive defeats faced by the once great Muslim Empire, which was then followed by the invasion of western ideas and ways of life within the Muslim societies, is leading to the accumulation of the Muslim rage (Lewis, 1990).

The increasing number of violent clashes between different civilizations especially the Western and the Islamic civilizations around the world, has given a lot of credence to Huntington's clash of civilization hypothesis (Huntington, 1993). Historical evidence has proven that the conflict between the West and Islam is as old as 1,400 years (Huntington, 1993). However; *The Future of the Islam and the West,* challenges the notion of civilizational clash between Islam and the West by justifying that the conflict between the two is not the product of inherent civilizational incompatibility but due to the vested interest and power of the West in Islam or vice versa

(Ahmad & Hunter, 2000). Rather than stating a simplistic clash of civilization hypothesis, Dr. Hunter, a research professor at the Georgetown University in Washington D.C, gave an example of the relationship between Saudi Arabia and United States (Ahmad & Hunter, 2000). Dr. Hunter believes that the clash of civilization fails to rationalize the Saudi-Western relationship as Saudi Arabia's extremist conservative ideologies also does not act as a barrier in collaborating with the West (Ahmad & Hunter, 2000). Despite this, I believe that maintaining good ties with a powerful or wealthy nation is necessary but then that does not mean that the other accepts an invasion in its cultural beliefs. And when that starts to happen, conflict starts to arise. Lord Robertson, beautifully surmises how states act in the world political circus- "if you cannot ride two horses at once, what are you doing in the circus in first place" (Robertson & Niblett, 2011). Thus, states would always act according to their own interests, and when for instance an Islamic civilization faces a threat from Western ideas or vice versa, conflicts are inevitable. Considering the above theories; there is no doubt that the clash of civilization hypothesis is intellectually more serious and applicable in the 21st century but it is also equally subjected to critique.

The second scenario of the post-cold war world, as presented by Francis Fukuyama who talks about 'the end of history', the end of any new ideological evolutions and the universalization of Western liberalism (Stanley & Lee, 2014). According to Fukuyama, emergence of a state at the end of history is liberal to such an extent that it not only recognizes but also protects the human rights (Fukuyama, 1989). Kojeve, a French philosopher and statesman, called such a state as a universal homogenous state (Fukuyama, 1989). In a universal homogenous state, a state provides all the basic rights which satisfies human needs and hence, eradicates any possibility of conflict. In particular, Fukuyama believes that as the two major challenges to liberalism in the past; fascism and communism were defeated and the liberal idea also influenced the world's largest and oldest culture, China. The power of liberalism has extinguished any civilization that could act as a beacon for illiberalism (Fukuyama, 1989). However; it should be clear that not all the societies or groups demand for similar rights. The notion of human rights is purely seen as Western notion and unwanted by most of the Asians.

Believers in Fukuyama thought implies that the large-scale international conflict will be based between states who have acquired Western Liberalism (post history state) and states which have still not acquired (Fukuyama, 1989). A Post history state would act as a perpetual care taker of the museum of human history. While the small-scale conflicts would continue to be based on the unresolved grievances of the rising ethnic and nationalist movements. So it can be concluded that Fukuyama's hypothesis claims end of history but not end of conflict. According to him, the future conflicts will be based between history and post history states and not between civilizations.

Conversely, in the above prediction of future conflicts there are some states still in history and so it cannot be claimed that history has completely ended. Hence, the world is not united and there will

be differences. These differences which are cultural fault lines, will divide or unite civilizations. Regardless of the two schools of thought, clashes between civilizations are inevitable, if and when a civilization's values are encroached. Hence, as in the cartoon controversy, where the values of a society were infringed upon, a clash between freedom of expression and freedom of religion (religious sensitivity) is inescapable.

Analyses: Cultural fault lines for freedom of expression and freedom of religion:

The advocates of freedom of expression strongly believe that without this right, all other rights are not only difficult to acquire but also difficult to defend. They believe that this right provides them the endeavor to limit a government's power and so they equate suppression of freedom of expression to tyranny. Under the current international conventions, a state is obliged to provide freedom of expression to its people but at the same time it is also compelled to make sure that unrestricted freedom of expression does not infringe on the rights of others. Therefore, international human rights law recognizes all those expressions that must be protected as well as all those that must be punished.

The article 19 of Universal Declaration of Human Rights stipulates that every human being has a right to freedom of opinion and expression. Having this right would allow a human being to freely hold opinion without interference and would be allowed to seek, receive and impart information and ideas through any media and also regardless of any frontiers (Mann, et.al. 1994). Likewise,

there are also many regional conventions like the article 10 of European Court of Human Rights, article 13 of American Convention of Human Rights and article 9 of African Charter of Human and Peoples' Right which speaks for the right regarding freedom of expression (Jørgensen, 2006). Despite these conventions and their articles that promote full freedom of expression, there is a consensus that freedom of expression needs to be exercised in a manner that does not disobey others rights and so international human rights law has imposed certain limitations on the freedom of expression right. The article 20(2) of the International Covenant on Civil and Political Rights prohibits 'advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence' (Eltayeb, 2010). When these measures are crossed in freedom of speech, the speech is then categorized as hate speech. However; the regional conventions have failed to implement this covenant effectively.

Regarding the cartoon controversy, the 1990 Copenhagen documents paragraph 9 which supports article 19 of Universal Declaration of Human Rights, however; it fails to highlight any limits to free speech (as proposed by International Covenant on Civil and Political Rights). It was found that in a country like Denmark or France, imprisoning a cartoonist who has made fun of another religion especially of the religion which has pro-aniconic believers is a violation of that cartoonist's rights to freedom of expression, but at the same time imprisonment of a person voicing his freedom of expression when denying the Holocaust is justified (as per Holocaust Denial Law implemented in several European

nations). In other words, if the West accuses Islam for being hypocritical while protesting for caricatures of their prophet on one hand while vilifying the symbols of Judaism and Christianity on the other, it becomes obvious that the West also falls on a similar track (Fish, 2006). The West chants for freedom of speech and expression but when David Irving denied the Holocaust in a speech delivered seventeen years ago, he is now charged and sentenced to jail (Younge, 2006). Thus, a speech which is anti-Semitic and racist is considered to be a hate speech and is punishable by law but not a speech that discriminates and insults a religious belief (namely Islam). Hence, these double standards are not healthy for future conflicts because they will create room for confusion and hostility between the Western and Islamic worlds.

Apart from the hypocritical behavior, another reason for the clash between freedom of expression and freedom of religion is the "yes but" approach (Rynning & Schmidt, 2006). Referring back to the cartoon war, supporters of 'yes but' approach, would criticize the cartoons as insensitive and unnecessary provocation against Islam but simultaneously, oppose the violent behavior projected by Muslims (Rynning& Schmidt, 2006). For instance, when the Denmark cartoon controversy became international, the European Parliament immediately called for a respectful dialogue with the Muslim leaders but at the same time also condemned the violence and offered full support to Denmark (Rynning& Schmidt, 2006). Such a type of approach can be seen as a very diplomatic move but would also create hostility among the conflict stricken states.

Furthermore, one might argue that such a conflict has no effect

on the political rights of the West and of Islam, however; two notable things are demonstrated through the cartoon controversy. Firstly, it shows that immigration and the ideal of multiculturalism is something that will not be appreciated in future. From U.S. to France and Denmark, political parties are having heated debates on immigration policies especially due to increasing Muslim migration which is creating fears among the majority to be reduced to a minority in their own country in the near future (Solomon, 2013). Simultaneously, due to this conflict, Islamophobia is also increasing in Europe.After the Charlie Hebdo attacks, one of the French authors wrote a book "The French Suicide", which got a lot of attention. The French Suicide talked about how powerless France had become as it failed to defend itself from Islam (Erlanger &Benhold, 2015). Also, Marine Le Pen; the president of the National Front and a French politician, stated that wherever Islam is, it's a massive threat (Erlanger & Benhold, 2015).

Secondly, it shows that Islam will not tolerate any insults related to its beliefs and so some scholars link radical Islam to totalitarianism (Kahn, 2009). As in totalitarianism, dictators use censorship and propaganda to control the minds of the masses and imprison anyone who ridicules or satirizes the dictator (Friedrich, 1964). Believers of this thought, find these tools similar to the tools used by Islamic countries in the form of a fatwa which is directly issued against anyone who acts, speaks or writes anything that is blasphemous. Supporters, who equate radical Islam to totalitarianism, believe that in secular democracy; insults, mockery and ridicule are openly accepted and appreciated. However; as

Islam fails to accept it, it falls under the category of totalitarian societies (Kahn, 2009). But do the Western secular democratic states openly accept ridicule?

Indeed, with the right of freedom of expression, an individual also possesses a right to offend but it is not the same as having a duty to be offensive. Mehdi Hasan (a British political journalist), in a debate on the right to offend, argues that a human being does not have an absolute right to freedom of speech. He states that a civilized society which is religiously, culturally, and racially diverse cannot be constructed until and unless we stop encouraging everyone in it to simply just do insult, abuse and offend one another under the guise of freedom of speech (Morse, 2012). Gary Younge, in his article *The Right to Offend*, claims that "*the right to freedom of speech equates to neither* an *obligation to offend* nor a *duty* to be insensitive" (Younge, 2006).

Additionally, South Africa's Muslim Judicial Council condemned the attacks on Charlie Hebdo but also declared the need to limit free speech. (Mail & Guardian, 2015).Almost universally, it is believed that the cartoons that were published portrayed the Muslims and not just Prophet Muhammad as terrorists, pedophiles and rapists but the acts of violence that followed the publication were wrong. Thus, if the West's commitment to freedom of expression is so important, our beliefs in antiracism should also not be any less importance.

Against the absolutist view on freedom of expression, Jeremy Waldron, author of the book "The Harm in Hate Speech" powerfully argues that regulating hate speech is necessary for human dignity (Waldron, 2012). It is also needed for respecting the vulnerable minorities (Waldron, 2012). Waldron discusses the threat to the life, dignity and reputations of these minorities could lead to serious consequences (Waldron, 2012). Hence, emphasizing on the need to regulate hate speech, Waldron proposes a very strong message to the Western civilization.

Amidst the legal debates on free speech, a question that arises among the legal experts is what the limits to free speech are. The first amendment to the constitution of United States provides that "Congress shall make no law...abridging the freedom of speech or the press" (Ruane, 2014). This language restricts US government to constrain the speech of its citizens although the Supreme Court highlighted that free speech would be limited when it accepts and promotes child pornography, obscenity, defamation, true threats of and incitement to violence (Ruane, 2014). Similarly, in France free speech is limited by strict defamation and privacy laws (Nashashibi, 2015). However, liberalists argue that putting limits to freedom of expression is quite unlikely as there is no way through which a human agent can possess absolute objectivity or infallibility to judge the circumstances under which the limitation is warranted (Ilse, n.d.). But a general consensus amongst the legal experts has been developed on the limits to free speech and that is any expression which contributes to a climate of hatred (any speech that incites violence, injustice and discrimination should be prohibited) (Ilse, n.d.). Nonetheless, these limits have also been mentioned in the article 20(2) of the International Covenant on Civil and Political Rights. Hence, the limits to free speech can only be obtained if and

when strict laws are imposed as in the case of laws that prohibit anti-Semitism. Formulation, imposition and implication of such laws will prevent the hate speech and thus the violent attitudes and actions.

Conclusion

The article does not argue that freedom of religion should overrule freedom of expression, however; it examines how the clash between freedom of expression and freedom of religion affects the political and religious ideas of both the western and the Islamic civilizations. Indeed, the effect is quite deep as it is leading towards the debates of strict immigration laws. Also, debates linking Islam with totalitarianism are on a rise. Surely, an individual does possess a right to freely express, however; the right of freedom of expression is not absolute. Two reasons for the clash between freedom of expression and freedom of religion are highlighted. The first one stated the hypocritical behavior of the western and the Islamic civilizations and the second talked about the 'yes but approach'. This paper does state the precedents which allow limit to free speech and the ways to implement it. It was found that implementation of the laws like prohibition of anti-Semitism, can prevent violence and bloodshed.

Failure to understand the erupting clash between freedom of expression and freedom of religion can be deadly. The cartoon jihad is just an example of this clash and how severe the problem really is. In fact, the time has come to make a law to protect these aniconic believers and prevent future recruitment for the so called Holy Wars that are caused as a result. The law is not to advocate Islamic values but to protect them against ridicule and mockery as it was created around anti-Semitism. The Islamic world now needs the same treatment.

The real question for the future is that how likely is the west open to create such a law for Islamic civilization?

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